

BILL ANALYSIS

Senate Research Center
81R13526 MCK-F

S.B. 2341
By: Averitt
Business & Commerce
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill amends the Alcoholic Beverage Code to apply to a mixed beverage permit holder and the holder of a caterer's permit, whose premises are located in a municipality that has a population of less than 10,000, is located in a county with a population of less than 50,000, and contains a historic preservation district that borders a lake. This amendment would permit a patron to leave the permitted premises located in a historic preservation district or a historic compatibility district adjacent to a historic preservation district, with an alcoholic beverage if the beverage is in an open container and appears to be possessed for present consumption, and the public consumption of alcoholic beverages is not prohibited in that area. This does not affect the prohibition against possessing an open container in a passenger area of a motor vehicle.

As proposed, S.B. 2341 authorizes individuals to leave certain permitted premises and other areas with alcoholic beverages.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 28, Alcoholic Beverage Code, by adding Section 28.101, as follows:

Sec. 28.101. PUBLIC CONSUMPTION. (a) Provides that this section applies only to a mixed beverage permit holder whose premises are located in a municipality that has a population of less than 10,000, is located in a county with a population of less than 50,000, and contains a history preservation district that borders a lake.

(b) Authorizes the holder of a mixed beverage permit, notwithstanding Section 28.10 (Consumption Restricted to Premises; Exceptions) or any other law, whose permitted premises are located in a historic preservation district or a historic compatibility district adjacent to a historic preservation district to permit a patron to leave the permitted premises, even though the patron possesses an alcoholic beverage, if the beverage is in an open container and appears to be possessed for present consumption and the public consumption of alcoholic beverages or possession of an open container of an alcoholic beverage is not prohibited in the historic preservation district or history compatibility district where the permitted premises are located.

(c) Provides that this section does not affect the prohibition against possessing an open container in a passenger area of a motor vehicle under Section 49.031 (Possession of Alcoholic Beverage in Motor Vehicle), Penal Code.

SECTION 2. Amends Chapter 31, Alcoholic Beverage Code, by adding Section 31.06, as follows:

Sec. 31.06. PUBLIC CONSUMPTION. (a) Provides that this section applies only to the holder of a caterer's permit operating under the permit in an area in a municipality that

has a population of less than 10,000, is located in a county with a population of less than 50,000, and contains a historic preservation district that borders a lake.

(b) Authorizes the holder of a caterer's permit, notwithstanding any other law, operating under the permit in an area located in a historic preservation district or a historic compatibility district adjacent to a historic preservation district to permit a patron to leave the area, even though the patron possesses an alcoholic beverage, if the beverage is in an open container and appears to be possessed for present consumption and the public consumption of alcoholic beverages or possession of an open container of an alcoholic beverage is not prohibited in the historic preservation district or historic compatibility district where the area is located.

(c) Provides that this section does not affect the prohibition against possessing an open container in a passenger area of a motor vehicle under Section 49.031, Penal Code.

SECTION 3. Effective date: September 1, 2009.